



# **Memorandum of understanding between Ofsted and the First-Tier Tribunal of the Health, Education and Social Care Chamber**

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## **The parties**

1. This memorandum of understanding is between the Tribunals Service representing the Health, Education and Social Care Chamber of the First-tier Tribunal and her Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted).

## **Purpose**

2. The purpose of the memorandum is to establish an expedited process for the following:
  - an appeal against a decision under section 20B of the Care Standards Act 2000 to urgently amend or vary a condition or urgently suspend registration.
  - all appeals made under section 21(1)(b) of the Care Standards Act 2000 against an Order granted by a Justice of the Peace, following an urgent application by Ofsted under Section 20 of the Care Standards Act 2000
  - all appeals made under Section 74(3) of the Childcare Act 2006 against an Order granted by a Justice of the Peace, following an emergency application by Ofsted under section 72 of the Childcare Act 2006
  - all appeals made under regulation 12 of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008 against the suspension of the registration of a childminder or child care provider
  - all appeals made under section 212(1)(c) of the Care Standards Act 2000 against a notice restricting accommodation at a children's home or residential family centre, served by Ofsted under Section 22B of the Care Standards Act 2000.
3. The memorandum seeks to ensure that these appeals are disposed of expeditiously to minimise the impact on the provider and/or manager's livelihoods and on service users.



## Expedited process

4. The First-tier Tribunal (Health, Education and Social Care Chamber) will handle the appeals listed in paragraph 2 following the procedures outlined below. All references to 'days' mean working days.
  - The Tribunal will send a copy of an appeal application notice (an appeal) to the respondent (Ofsted) within 24 hours of receipt by the Tribunal Office.
  - The Tribunal will fix a hearing date on receipt of an appeal or, in any case, no later than 48 hours after receiving an appeal. The Tribunal will give notice to the applicant and to Ofsted of the date of the hearing as soon as it is set.
  - Ofsted will respond to an appeal within 3 days of receiving a copy of it from the Tribunal.
  - The Tribunal will hear the appeal within 10 days of receipt of Ofsted's response.
  - The Tribunal will issue its decision within 3 days of the conclusion of the hearing.

## Process for ordinary and urgent/emergency cancellation decisions

5. Where an appeal is received from the same provider or manager against the ordinary cancellation procedures in Section 14 of the Care Standards Act 2000 or section 68 of the Childcare Act 2006 as well as an appeal against an urgent or emergency procedure, the Tribunal will handle the ordinary appeal in accordance with *The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008*. If the urgent or emergency procedures appeal is dismissed, the ordinary appeal may be struck out as 'having no reasonable prospect of success'.

## Location of hearings

6. Wherever possible, a hearing will be held in the vicinity of the applicant's home location. However, due to the need to arrange hearings at very short notice, the Tribunal may direct where the hearing is held as it sees fit.
7. Paper hearings will usually be held at the Tribunal premises in Darlington or central London, although they may be heard at any other Tribunal Services' location.



### Commencement

8. The memorandum commences on 1 December 2010. It will continue to remain in force until such time as it is revoked by the parties.
9. The memorandum may be reviewed at any time at the request of either party.

### SIGNATURES

#### The Tribunals Service

Kevin Sadler, Chief Executive

Signed .....

Date: 7<sup>th</sup> April 2014.....

#### Ofsted

Sir Michael Wilshaw, Her Majesty's Chief Inspector of Education, Children's Services and Skills

Signed .....

Date: 25 April 2014.....